

REMARKS

Applicant respectfully requests reconsideration.

Claims 1-9 and 11-41 were previously pending in this application, with claims 4, 5, 7-9 and 15-41 being withdrawn from consideration. By this amendment, no claims have been canceled. Claim 1 has been amended and new dependent claims 43-45 have been added. As a result, claims 1-9 and 11-45 are pending for examination with claim 1 being the sole independent claim.

No new matter has been added.

Rejection Under 35 U.S.C. §103

Claims 1, 6 and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sunderberg (U.S. Patent No. 6,090,251). In the interest of expediting prosecution, Applicant amended independent claim 1 in a manner to more clearly distinguish over Sunderberg. Applicant reserves the right to file one or more continuation application to continue to pursue the subject matter of claim 1 as previously pending or as originally filed.

Independent claim 1 has been amended to clarify that the elongation structure includes a tapered channel and a plurality of side channels oriented *non-perpendicular* to the tapered channel. There is support for this amendment in the application as filed at least in paragraphs 175 and 176, and in FIGS. 1, 6 and 8.

Sunderberg discloses a microfluidic substrate having a plurality of channels which vary in cross-sectional dimension so that capillary action spreads a fluid only within a limited portion of the channel. (Abstract) The Office Action looks to FIGS. 3-4 in Sunderberg which discloses a microfluidic fluid introduction system 30 having through-hole ports 34 which have slightly tapered cross-sections. (Col. 7, lines 39-41) The system 30 also includes channels 48 and application of an electric current within the channels 48 help to inject fluid from the ports. (Col. 6, lines 26-35)

Sunderberg fails to teach or suggest a plurality of side channels oriented *non-perpendicular* to the tapered channel, as now recited in claim 1. As shown in FIGS. 3-4, the channels 48 are perpendicular to the port 34. Furthermore, there would be no reason to orient these channels 48 to

be non-perpendicular to the port 34 because, as mentioned above, the channels are only for providing an electrical conduit between the electrodes 54, 56 and the port 34.

Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

Applicant added new dependent claims 43-45 to further define the invention. There is support for these new claims in the application as filed at least in paragraphs 175, 176, and 229 and in FIGS. 1, 6 and 8.

New claims 43-45 depend on independent claim 1 and are thus patentable for at least the same reasons.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. C0989.70030US01 from which the undersigned is authorized to draw.

Dated: 11/21/2011

Respectfully submitted,

By Shannon Vittengl
Shannon M. Vittengl
Registration No.: 55,548
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000